

REMARKS

Claims 25 and 27 to 48 are presently in the application; apparatus claims 35 to 39 and 45 and 46 stand provisionally withdrawn from consideration as being directed to an unelected species. Applicants are grateful to the Examiner for withdrawal of reference Boswell.

Claim 25 is amended to overcome the rejection thereof based on Section 112, second paragraph. Claim 25 also is amended hereby to include the limitations that the first and second top faces have catheter-engaging surfaces that are free of sharps, such that the body can frictionally engage and retain at least one catheter in a nondamaging manner. Support is found in Figures 1, 1A, 6 and 8 and 9. Also, the Specification is being amended at paragraph [0026] to provide express support therefor.

Claims 25, 27 to 31, 33, 40 to 44, 47 and 48 stand rejected under 35 USC §102(b) as being anticipated by Lavielle (U.S. Patent No. 4,514,882). Claim 32 stands rejected under 35 USC §103(a) as being unpatentable over Lavielle (U.S. Patent No. 4,514,882). Claim 34 stands rejected under 35 USC §103(a) as being unpatentable over Lavielle in view of Turturro et al (U.S. Patent No. 6,331,165). Reference Turturro et al has been discussed in the preceding Response.

Reference Lavielle sets forth a device for retaining in side-by-side relationship flexible tying means such as shoelaces, that comprises two relatively rigid clamping members and a flexible linking member joining them together, having value in preventing shoelace theft. The two clamping members are foldable about the linking member to be disposed side-by-side about the flexible tying means (e.g., shoelaces) therebetween, and include locking means to hold the members in such arrangement. Further, the members include complementary gripping means (e.g., pins 10 and recesses 11) to grip the flexible tying means (e.g., shoelaces) in position therebetween. The locking means are shown to comprise extensions of each member, one of which has a locking section such as a widened head pin 7, and the other has a hole 8 wherein the pin is force-fit to be lockable therewith. The reference is not disclosed to be suitable for use with catheters.

With respect to claim 25 as amended, reference Lavielle teaches pins 10 that penetrate through the shoelaces at their ends such that their pointed tips extend into recesses 11 and assures that the shoelaces will not be taken illicitly. Thus, the reference fails to meet the limitation of the engaging surfaces being free of sharps thus being nondamaging to catheters; in fact, use of

the device of Lavielle with a catheter would ruin the catheter. Further, the reference fails to disclose a recessed area on one face sized to accept at least one catheter; small recesses 11 are only large enough for a pin tip thereinto. Applicants therefore respectfully traverse the rejection.

More importantly, recognition by the present inventors of the value of a clip to temporarily be secured to two catheters at a common location therealong for inhibiting travel of one catheter with respect to the other, and for enabling the practitioner to determine travel of that common location with respect to a patient site (the incision) while facilitating restoration of the catheters to their intended position, is considered part of the present invention. Such recognition of the problem and the present solution is not known to an artisan of routine skill in the art, and there is nothing that would suggest to the artisan to look to shoelace locking art to determine relative or absolute catheter travel.

Regarding claim 27, the reference fails to disclose a recessed area sized to accept two catheters. Small recesses 11 are only large enough for a pin tip thereinto. With respect to claim 28, the pins 10 of the reference are not ribs and do not extend from the recesses 11 but toward them. Regarding claims 29 and 30, there are no recesses on both members nor are they sized to accept two catheters. For claim 31, there are no ribs extending from both recessed areas toward the other. With respect to claim 40, the reference does not disclose a slot, but only a round aperture at 8. Regarding claim 44, there is no vertically projecting tab that is adapted to be biased toward a hinge.

Claim 32 depends from claim 25 which is believed allowable over the prior art, and therefore claim 32 is also believed to be allowable.

With regard to claim 34, there is no clear line of reasoning with rational underpinnings presented in the Office Action for the combination of the disclosure of reference Turturro et al with that of Lavielle. There is no reason that a routinely skilled artisan having shoelace-locking device of Lavielle before him or her, would look to reference Tururro et al in the medical apparatus arts for any improvements. Furthermore, claim 34 depends from claim 25, which is believed allowable over the prior art, and therefore claim 34 is also believed to be allowable.

All of claims 25 and 27 to 48 are believed to distinguish patentably over the prior art, and allowance of the application is respectfully requested, with rejoinder of the provisionally unelected claims. Please charge any fees related to this submission, to **Deposit Account No. 502434**.

Respectfully submitted,

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(Date)

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